

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

PATRICIA SCHWEND, n/k/a	)	
PATRICIA SCHWEND-	)	
McCUMMISKEY	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Case No. 4:10CV1590 CDP
	)	
U.S. BANK, N.A., et al.,	)	
	)	
Defendants.	)	

**SECOND AMENDED CASE MANAGEMENT ORDER - TRACK 3:**  
**COMPLEX**

After I granted Plaintiff's motion to amend the complaint to a class action, the parties submitted a revised joint scheduling plan. Although I agree with some of the proposed dates, I have altered some things. The parties are therefore instructed to review this order carefully for such changes.

**IT IS HEREBY ORDERED** that the previously issued deadlines are amended as follows:

**I. SCHEDULING PLAN**

1. The track assignment of this case is changed from Track 2 (Standard) to Track 3 (Complex).
2. All motions for joinder of additional parties or amendment of pleadings shall be filed no later than **December 13, 2011**.

3. Defendants currently have a deadline of **November 28, 2011** to file responsive pleadings. If Defendants file a dispositive motion instead of an answer, Plaintiff's opposition brief shall be filed no later than thirty days after the motion or **December 28, 2011**, whichever is earlier, and any reply brief may be filed no later than ten days following the response brief or **January 9, 2012**. If Defendants file an answer, any pre-certification dispositive motions must be filed no later than **January 13, 2012**. Opposition briefs shall be filed no later than thirty days after the motion or **February 13, 2012**, whichever is earlier, and any reply brief may be filed no later than ten days following the response brief or **February 23, 2012**.

4. The parties shall make all additional disclosures required by Rule 26(a)(1), Fed.R.Civ.P., no later than **November 30, 2011**.

5. The parties have agreed that discovery shall be conducted in phases with class certification to be first. Discovery on class certification issues shall proceed as follows:

(a) All non-expert discovery related to class certification, including requests for admissions, shall be completed no later than **June 1, 2012**.

(b) Plaintiff's class certification motion, along with supporting evidence, shall be filed no later than **July 2, 2012**.

(c) The depositions of Plaintiff's experts on class certification issues shall be completed no later than **August 1, 2012**.

(d) Defendant's opposition to class certification shall be filed no later than **August 31, 2012**.

(e) The depositions of Defendants' experts on class certification issues shall be completed no later than **October 1, 2012**.

(f) Plaintiff's reply in support of the class certification motion shall be filed no later than **October 31, 2012**.


(g) There shall be limits of ten (10) depositions per side and twenty-five (25) interrogatories per party for the class certification phase of discovery.

6. A hearing on Plaintiff's motion for class certification shall be held on **November 15, 2012** at **9:00 a.m.** No later than **November 7, 2012**, the parties shall inform the court whether they intend to present evidence or just make oral arguments. If evidence is to be presented, the parties shall, by that same date, provide the court with a list of witnesses, exhibits, and a time estimate for their presentation. The list should not include any exhibits that were already provided with the briefs.

7. A further schedule governing merits discovery and trial shall be set by a future order issued after a ruling on class certification.

8. This case shall be referred to alternative dispute resolution on **March 15, 2012**, and that reference shall terminate on **May 15, 2012**.

**IT IS FURTHER ORDERED** that these deadlines shall apply even if there are pending motions before the court, and pending motions will not be a reason for extending the deadlines.

  
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CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of November, 2011.